

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- Sept. 22 and Nov. 17, 1965

Appeal No. #8367 Boys Club of Greater Washington, D. C., Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and carried with Mr. McIntosh and Mr. Hatton dissenting, the following Order was entered at the meeting of the Board on December 22, 1965.

ORDERED:

EFFECTIVE DATE OF ORDER -- March 15, 1966.

That the appeal to establish a parking lot for five years at the rear of 1855 Wisconsin Avenue, NW., parcels 39/72 and 39/73, square 1299, and the request for variance from the 200-foot limit of off-street parking from the nearest commercial district is approved conditionally.

As a result of an inspection of the property by the Board, and from the records and evidence adduced at the hearings, the Board finds the following facts:

(1) This Board in Appeal #7728 previously approved establishment of temporary parking for a period of 2 years on the subject site. The Board's Order provided in part as follows:

"The Board is of the opinion, however, that the long-range planning of the area required adequate site area for recreational facilities of the Police Boys' Club and that permanent usage of all of the subject site for automotive purposes could result in improper land use and impairment of over-all planning objectives. The 2-year grant under the terms of this Order, therefore, shall not be subject to renewal."

(2) All portions of the record in Appeal #7728 that may be pertinent in the present appeal are incorporated as part of the record of this proceeding and likewise all evidence presented at the prior hearings on this appeal on September 22, 1965 and November 17, 1965 are made a part of the record in this proceeding.

(3) Appellants claim that there is adequate site area for recreational facilities of the Boys' Club at the Jelleff Branch without the subject site, since (a) the facilities of the Boys' Club are not now used to capacity, (b) projections confirm that the Jelleff Branch facilities continue to be in excess of any conceivable need, and (c) long-range programming of Boys' Club facilities demands emphasis on satellite clubs.

(4) Usage of all of the subject site for automotive purposes would not result in improper land use, since (a) lack of adequate parking facilities is a critical problem in the area and the land is needed for the proposed use, (b) the proposed use is compatible with the surrounding area as shown by an examination of aerial photographs of the neighboring uses, and (c) granting of the proposed relief will not have an adverse affect upon the surrounding neighborhood.

(5) Usage of all of the site for automotive purposes would not result in an impairment of over-all planning objectives, since (a) the land is adjacent to commercial uses on both north and the west and to a community recreational facility to the south and further, substantially all of the site is filled and land extending to a depth of as much as 40 feet, (b) the Zoning Regulations specifically permit and provide for off-street parking adjacent to commercial land uses, (c) the general area in the vicinity of the subject tract is richly endowed with park land and permanent recreational facilities, and (d) the relief sought will permit a substantial upgrading of the area through the installation of a landscaped courtyard between the Page Buildings.

(6) The major portion of the proposed parking area is located within 200 feet of the existing adjacent C-2 District and is separated therefrom only by the existing parking lot that serves the Safeway Store at 1355 Wisconsin Avenue, NW.

(7) The proposed parking facility is in compliance with the Zoning Regulations since all driveways, access lanes and parking areas will be paved; the design of the parking lot is such that no vehicle or part thereof will project over a building line or lot line; no vehicular entrance or exit will be within 25 feet of a street intersection; illumination will be arranged so that the direct rays of light will be confined to the surface of the lot; appropriate and adequate screening is provided to protect all contiguous residential property located in the R-1-B zone; and the plan provides for appropriate landscaping.

(8) The proposed use for the subject property for a parking lot is necessary and convenient to the neighborhood as there is substantial need for off-street parking to serve the existing Page Building and the new Page Building, including the large restaurant housed within the existing Page Building.

(9) All facilities of the proposed parking lot are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

(10) No objection to this proposed parking lot has been filed in this hearing by the Director, Department of Vehicles and Traffic.

(11) A variance from Section 3101.48(a) is necessary because a portion of this proposed parking lot lies beyond the 200 feet distance to the aforementioned C-2 District and the applicants would otherwise suffer from a hardship because of the exceptional situation of the specific piece of property and the exceptional topographic conditions and other extraordinary and exceptional situations on the subject site. The site is entirely interior without street frontage. There is substantial fill beneath the entire site. This Board has found in prior cases involving similar conditions that residences cannot be developed upon such restricted sites.

(12) Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

(13) Opposition to the subject application was filed and heard at the hearings.

OPINION:

It is the opinion of the majority of the Board that the appellants have established the need for the proposed parking lot, that it can be established in compliance with the requirements of Section 3101.41, and that it will not be detrimental to the neighborhood. The Board specifically recognizes the fact that the lot is surrounded by non-residential uses which will form a substantial buffer between the parking and areas developed for residential use.

The majority is also of the opinion that appellants have substantiated the variance to use that part of the lot which is more than 200 feet from the area to which said lot will be accessory due to its exceptional location and topographic situation. To grant the variance will not be detrimental to the public good or impair the intent, purpose, and integrity of the zone plan.

To insure maximum protection and benefit to the neighborhood and community, the Board grants the appeal subject to the following conditions:

- (a) All conditions of Article 74 must be complied with, save 7404.21 which requires a masonry wall screening it from contiguous property in the R-1 District. Here the Board finds no need for a wall separating the subject lot from the adjoining parking lot of Safeway; the Board in lieu of requiring a wall along the Dumbarton Oaks side requires that a 50-foot strip along the Dumbarton property shall not be used for parking, but that the natural ground and the stand of trees and other ground cover shall remain. On the side adjacent to the Boys' Club, there shall be maintained a six-foot high chain link fence.
- (b) To satisfy Section 3101.48(c) that the use is reasonably necessary or convenient to the neighborhood, the Board rules that the parking lot may not be operated for the exclusive use of the tenants and clients of the Page Building, but shall be made available to the neighborhood under terms and conditions no less favorable than those awarded the tenants and clients of the Page Building.
- (c) There is a neighborhood benefit in the construction of the plaza between the Page Buildings. We do not attempt to equate this with the loss of the open space to the Boys' Club, but we hold that it represents on a small scale improved civic design and that the neighborhood as well as the Page Building will be improved by the addition of this amenity and it shall be retained.

- (d) The broad expanse of pavement so typical of most parking lots is to be broken up with pockets for sizable trees and other plantings as shown in Exhibit No. 38 - Attachment No. 11.
- (e) Permit shall issue for a period of five years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- (f) No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located.
- (3) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all-direct rays of such lighting are confined to the surface of the parking lot.

Occupancy permit shall not be issued until all conditions of this Order are met and complied with. Further, the Board reserves the right to direct revocation of the occupancy permit upon proper showing that any terms or conditions of this Order have been violated.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING—Nov. 17, 1965

Appeal #8367 Boys Club of Greater Washington, D.C. Inc. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried the following Order was entered on November 24, 1965:

ORDERED:

That the appeal to establish a parking lot for five years and to provide parking more than 200 feet from commercially zoned land at the rear of 1855 Wisconsin Avenue, N.W., parcels 39/72 and 39/73, square 1299, be denied for lack of a majority of the Board.

Mr. McIntosh moved that the former order be affirmed. Mr. Hatton seconded the motion. On a call for votes Mr. Harps and Mr. Davis dissented, and therefore a majority of the Members was not reached and therefore the appeal is denied.

PUBLIC HEARING—Sept. 22, 1965

Appeal #8367 Boys Club of Greater Washington, D. C. Inc. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the appeal to establish a parking lot for five years and to provide parking more than 200 feet from commercially zoned land at the rear of 1855 Wisconsin Avenue, N. W., parcels 39/72 and 39/73, square 1299, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) A similar appeal was previously filed before the Board covering the land in question in appeal #7728 and approved conditionally on June 2, 1964.

(2) The pertinent parts of the finding of fact in appeal #7728 are incorporated and made a part of this appeal.

(3) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

The Board in the previous appeal stated that the long range planning of the area required adequate site area for recreational facilities of the Police Boys' Club and that permanent usage of all of the subject site for automotive purposes could result in improper land use and impairment of overall planning objectives. The previous order also stated that the two year grant under the terms of this order, therefore, shall not be subject to renewal.

The Board is still of the same opinion in this case and is of the opinion that the appeal should be denied for the reasons stated above.